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Broadcasters are obliged to use airwaves to serve public good

Author: Saffran, Make

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Abstract:

Presented in this manner, and considering the 240,350 indecency complaints the Federal Communications Commission received last year, recent stepped-up enforcement of indecency statutes by the FCC signifies a citizens' uprising against broadcast indecency.

Full text:

MIKE SAFFRAN

GUEST ESSAYIST

So, Howard Stern won't be returning to Rochester radio airwaves on WNVE-FM (95.1), the station known as "The Nerve" (April 9 story).

Although some cry foul, Stern's nationwide suspension from six stations owned by Clear Channel Communications Inc. was not "censorship," or a violation of his freedom of speech.

Broadcasting is a unique form of speech in that it uses the broadcast spectrum, which has been federally regulated since before the start of commercial broadcasting almost a century ago. Broadcast licensees are granted the privilege to use, not own, the airwaves, with a mandate to serve the public interest - a provision that has been court-affirmed for decades.

However, the debate does not end there for those who argue, "If you don't like what you hear (or see), turn it off." This argument is specious due to the special nature of broadcasting. As media using the free public airwaves (unlike cable TV, for example), radio and television can be intrusive. That is, they may occasionally, and quite unexpectedly, "intrude" on listeners and viewers in public spaces, such as offices and stores, and nonpublic spaces such as homes and cars, when users scan the dial.

As a result, audiences may be unable to avoid programming they consider offensive. An equally facile argument, "Let the marketplace decide," presupposes that broadcasting is akin to selling hamburgers, for instance, which, of course, it is not.

The debate over control of the airwaves is sometimes framed as a choice between market forces and the government. Rephrased, it might be depicted as a choice between privately held and often publicly unaccountable big-media enterprises (the "free marketplace") and citizens in a representative democracy (the government). Presented in this manner, and considering the 240,350 indecency complaints the Federal Communications Commission received last year, recent stepped-up enforcement of indecency statutes by the FCC signifies a citizens' uprising against broadcast indecency.

It may also represent a backlash against media ownership consolidation, which some contend compounds broadcast indecency and which has been exploited by Clear Channel, Viacom (Stern's employer, who also gave us Janet Jackson) and other firms. Clear Channel's decision to cut Stern in the wake of FCC fines seems a reaction to the revolt. Unaffected by the FCC's crackdown are the numerous talented broadcasters who already didn't rely on the crutch of indecency. For a few others, however, it has spurred on-air blather denouncing their predicament. It's disheartening to hear such fatuity, particularly from those entrusted with the airwaves but who fail to recognize the special nature of broadcasting and their unique responsibilities as stewards of a public trust.

Saffran, of Brighton, covers radio for Business Strategies Magazine. He worked for 18 years at radio stations in New York state.

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